

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 30, 2020

5:00 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Ira Barbell (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Steve Brodi (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent:

MAYOR'S COMMENTS: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on July 22, 2020 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Gibbs; Seconded by Councilor Barbell

(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending July 29, 2020 in the amount of \$ 425,807.01 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Moore; Seconded by Councilor Kelly

(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for July 14 - 27, 2020
- Minutes from the Public Safety Committee meeting held on July 22, 2020
- Reports from the Police Department dated July 27, 2020

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

Governance, Strategy, and City Operations- Chair Councilor Barbell indicated he has spoke with Plattsburgh YMCA CEO Justin Ihne about YMCA utilizing Oval for soccer program. Hopes to bring a resolution to Council soon.

City Infrastructure – Chair Councilor Moore mentioned Public Works completed projects.

Finance and Budget – Chair Councilor Kelly spoke about and read conclusion of NYS Comptroller report which is made part of the minutes of this meeting. [further discussion ensued]

Public Safety – Chair Councilor Gibbs indicated she and Councilor Barbell are requesting data and keep moving forward see what Police Department needs are. Asked about a Budget Adjustment resolution from Chamberlain Marks that didn't make it to agenda. [further discussion ensued]

Plattsburgh Public Library – Chair Councilor McFarlin read the following update from the Trustees of the Plattsburgh Public Library:

Plattsburgh Public Library goes fine free!

Effective July 28th, 2020, Trustees of the Plattsburgh Public Library voted unanimously to discontinue charging overdue fine penalties for late returns. Why the change? “The American Library Association asserts that the imposition of monetary fines create a barrier to the provision of library and information services” (ALA (2019) *Resolution on Monetary Library Fines as a Form of Social Inequity*). Libraries are about providing access, and going fine free is one way we can increase access to our collections and service.

The Plattsburgh Public Library believes in free and equal access for all. Too often fines are levied against the most vulnerable families and individuals who can least afford them. Seniors on fixed income, young families trying to home school their children and the unemployed who may need to borrow civil service guides or GRE study guides. We will all benefit from a curious and engaged community, especially in these times of misinformation and job insecurity.

Fees will still be charged for lost or damaged material. Library fines for 2019 amounted to \$7980 which represented less than 1% of our budget. By eliminating fines we hope that library users will consider a donation to the library instead. The Plattsburgh Public Library serves the entire Clinton Essex Franklin area, yet is chartered to serve only the City of Plattsburgh residents. Eighty three percent of our funding comes from the City of Plattsburgh through taxes on its residents. The Library receives \$90,000 in state support each year to provide access to the residents of all three counties. This model is unsustainable, and just as we have done with fines, we will continue to research ways to make access and support more equitable. If you don't live in the City and value access to the City library, please consider a donation to the library so that we can continue to provide equitable access to all.

Councilor Barbell asked if the Library is developing any kind of strategic plan to sustain. [further discussion ensued]

MLD - MLD Board President Councilor McFarlin indicated met tonight. **MLD Manager Bill Treacy** mentioned that HEAP program has been extended by NYS until August 30th. Persons needing assistance should contact Department of Social Services.

RESOLVED: That the reports as listed are hereby ordered received and any written reports are placed on file among the public records of the City Clerk's Office.

By Councilor Gibbs; Seconded by Councilor Barbell
(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending July 31, 2020 in the amount of \$ 1,528,570.70 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Moore; Seconded by Councilor Gibbs
(All in Favor/opposed)
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

Motion to remove item 7A from the Table

By Councilor McFarlin; Seconded by Councilor Gibbs
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted

A. RESOLVED: In accordance with the request therefore the Common Council approves rejecting all bids received for “City of Plattsburgh – DRI: Downtown Grant Program Proposed Farmers Market.

Discussion: Yes
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves PMLD Bid #2020-6-1 “ARC-Rated Flame Resistant Clothing Rental Program be awarded to UniFirst Corporation, Keeseville, NY in the amount of \$ 18,351.84 for each year of a three year contract.

Motion to waive reading and move Resolutions 7B, 7C and 7D

By Councilor McFarlin; Seconded by Councilor Gibbs
(All voted in favor of waiving reading and move Resolutions 7B, 7C and 7D)
Discussion: None
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid #2020-8-1 “Brush Chipper”. Bid opening date is September 29, 2020 at

11 am in the Common Council Chambers.

[See details under Item 7B]

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off the following unpaid final bills from:

1. April 2019 in the total amount of \$7,476.52. The percentage of write-offs for this period is .36%.
The recovered amount for this period is \$ 855.05.
2. May 2019 in the total amount of \$5,753.72. The percentage of write-offs for this period is .41%. The recovered amount for this period is \$560.56.
3. June 2019 in the total amount of \$4,683.62. The percentage of write-offs for this period is .38%.
The recovered amount for this period is \$1,887.55.
4. July 2019 in the total amount of \$3,481.12. The percentage of write-offs for this period is .29%.
The recovered amount for this period is \$564.65.

[See details under Item 7B]

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to transfer \$100,000.00 from the General Fund Contingency to Fire Department Fees for Services for the settlement of a claim against the City for negligent EMT services. The budget transfer will not increase the General Fund budget in 2020.

By Councilor Gibbs; Seconded by Councilor Barbell

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign a lease agreement with “Plattsburgh Comic-Con” to hold an event known as “2020 Plattsburgh Comic Con” in the Crete Civic Center Arena from Friday, November 6, 2020 through Sunday, November 8, 2020. The lease requires Plattsburgh Comic-Con to pay the City of Plattsburgh the amount of \$3,765 for rent and City services. Further, the Council finds that this space is not needed for a public purpose during the proposed lease agreement term of three days and that this lease will be subject to presentation of sufficient proof of insurance, providing any additional licenses or permits if required and subject to then-current local, state or federal COVID-19 restrictions.

By Councilor Gibbs; Seconded by Councilor McFarlin

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. WHEREAS, the City of Plattsburgh owns a +/- 224 acre parcel, which is identified as tax map parcel 220.-4-32 on the 2019 assessment roll ("Subject Parcel"); and

WHEREAS, the Subject Parcel is accessed via Reeve's Lane and is bounded to the south by the Saranac River, to the east by private property and SUNY Plattsburgh, to the North by Rugar Street, and to the West by I-87; and

WHEREAS, the Subject Parcel is adjoining the City's territorial boundaries and is located in the Town of Plattsburgh ("Town"), primarily in an Industrial Zone, with the northern portion of the Subject Parcel located in a Service-Commercial Zone; and

WHEREAS, other than underground utilities and Reeves Lane, the only significant improvement on the Subject Parcel is the City-owned Compost Facility, as the remainder of the parcel is uninhabited and unimproved; and

WHEREAS, while it is located in the Town, the City has long recognized the enhanced value of this adjoining property if it were to be annexed into the City and further recognizes that any annexation effort ultimately requires a determination of overall public interest pursuant to the GML; and

WHEREAS, the City intends to pursue the annexation of the Subject Parcel, including any parcel encompassed therein, as furtherance of the overall public interest; and

WHEREAS, the City requested that the Town consent to the City's request to annex this uninhabited City owned parcel pursuant to Section 706 of Article 17 of the General Municipal Law; and

WHEREAS, the Town denied the City's request made pursuant to Section 706 of Article 17 of the General Municipal Law;

WHEREAS, the Common Council determined that the Action is a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) and identified the potential Involved Agencies under SEQRA, which included the Town; and

WHEREAS, the Town objected to the City's intention to serve as SEQRA Lead Agency; and

WHEREAS, the City was duly designated as SEQRA Lead Agency by Determination of the Commissioner of the Department of Environmental Conservation pursuant to Section 617.6 of the SEQRA Regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, although the Action under SEQRA is solely the annexation of the Subject Parcel by the City, the Common Council determined to review the potential environmental impacts of a purely hypothetical development scenario that could possibly be achieved on the Subject Parcel following annexation; and

WHEREAS, the Common Council engaged consultants to prepare a Preliminary Master Plan-Land Use Map ("Preliminary Plan") and to conduct several related studies and investigations to enable the Council to review potential impacts of such a reasonable development scenario for the Subject Parcel following annexation; and

WHEREAS, on or about May 28, 2020, upon the Common Council's review of the SEQRA documents, which included among other items a SEQRA FEAF Part 1, Part 2 and Part 3, narratives and consultant reports, adopted a SEQRA Negative Declaration for the proposed annexation, and then filed and provided requisite notice in accordance with SEQRA requirements; and

WHEREAS, the Town Assessor, Brian Dowling, has certified that the City is the majority owner of the area sought to be annexed.

NOW THEREFORE, it is hereby RESOLVED, that the Common Council authorizes the Mayor to sign and have served on the Town a Petition for Annexation for the Subject Parcel pursuant to Article 17 of the General Municipal Law, in a form approved by the Corporation Counsel;

AND IT IS FURTHER RESOLVED, that the Common Council authorizes the Corporation Counsel and City Planner to coordinate with the Town for the purposes of scheduling and publication for the public hearing required by Article 17 of the General Municipal Law.

Motion to waive reading and move Resolution

By Councilor McFarlin; Seconded by Councilor Gibbs
(All voted in favor of waiving reading and move Resolution)

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Gibbs gave updates on the Public Safety Citizens Review Panel, vacancy on panel, panel asked Chair to contact Mayor to follow same procedure that was done when original panel members were nominated.

Mayor Read indicated he will put out a notice soliciting nominations and then turn that list over to Governance, Strategy and City Operations committee to choose a candidate.

Councilor Brodi is donating his pay checks as Councilor back to City General fund for employees pay. Mentioned Curb tax/Special Assessment District. [further discussion ensued]

Mayor Read mentioned he spoke to Senator and Special Assessment Districts would not go anywhere, Governor Cuomo has been consistently vetoing Special Assessment Districts. Would need to figure out other mechanisms on how to do this.

[further discussion ensued]

Mayor Read suggested they sit down and figure out ideas on something that could actually occur before bringing in State representative.

Councilors Brodi and McFarlin will work on together.

Item added under New Business:

RESOLVED: City of Plattsburgh employees will not be entitled to paid sick leave benefits if they engage in non-essential travel to “high risk states or countries” as defined by then-current Federal Regulations, New York State Department of Health regulations or Executive Orders from the Governor, resulting in a quarantine and/or isolation order for the individual employee. Any employee aggrieved by this policy may submit a written appeal to the Governance, Strategy & City Operations Committee.

By Councilor McFarlin; Seconded by Councilor Barbell

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Mayor Read stated to make public and businesses aware, Parking Enforcement will begin again tomorrow. A furloughed employee is returning. I must disagree with the representation that was made last week that the position pays for itself. The only reason we want a Parking Enforcement officer is to improve a parking problem and business in the City don’t see it as a parking problem right now it is a lack of customer problem. This is going entirely in the wrong direction. So I apologizes to City of Plattsburgh residents for tickets that will appear on their windshields.

Councilor Barbell mentioned AFSCME President Keable indicated the revenue Parking Enforcement officer brings in pays for her salary, however, he looked back and the cost to pay employee is more than revenue and losing money every year.

[further discussion ensued]

Councilor McFarlin asked for status of parklet barriers that are in bike lane thought we were asking those to be moved back.

Mayor Read indicated DPW had spoken to those restaurants and DPW was moving back when their schedule allows. **Mayor Read** offered the restaurants to extend length wise, however, at this time no one has done that.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC: None

Motion to Adjourn by Councilor Barbell; Seconded by Councilor Brodi
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

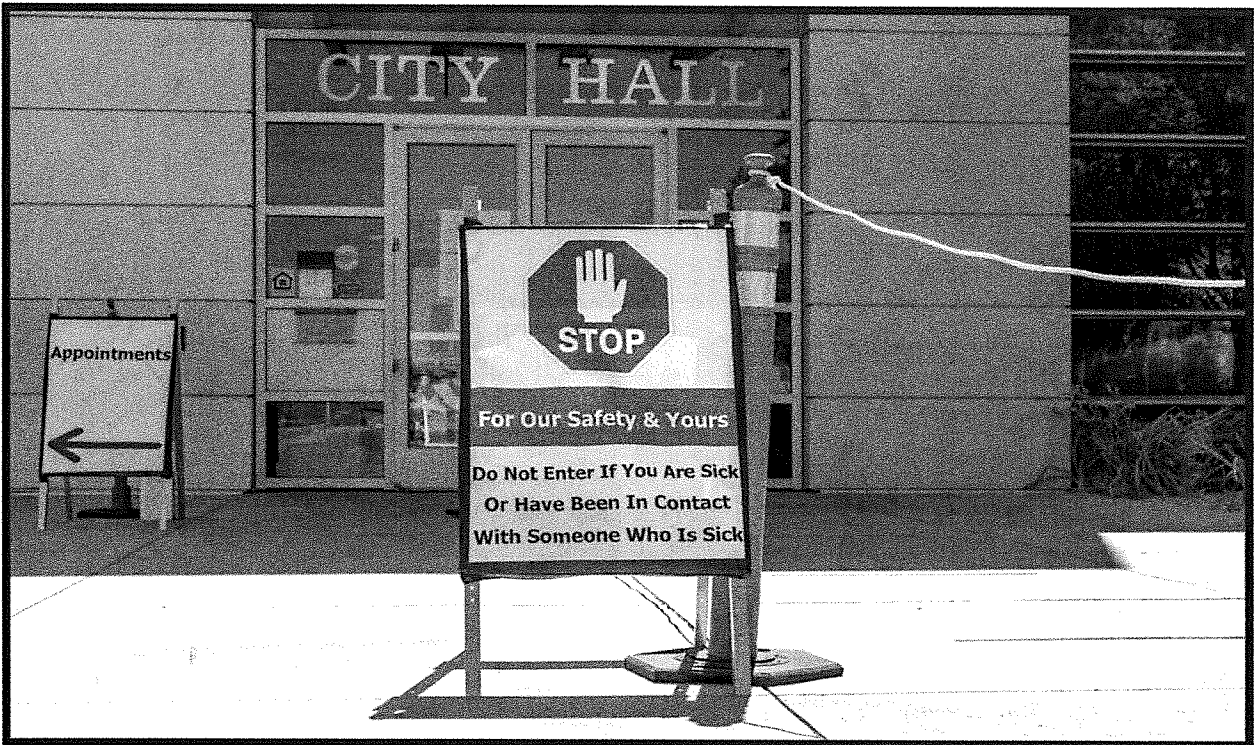
MEETING ADJOURNED: 6:07 pm



Office of the NEW YORK STATE

COMPTROLLER

Under Pressure: Local Government Revenue Challenges During the COVID-19 Pandemic



New York State Comptroller
THOMAS P. DINAPOLI

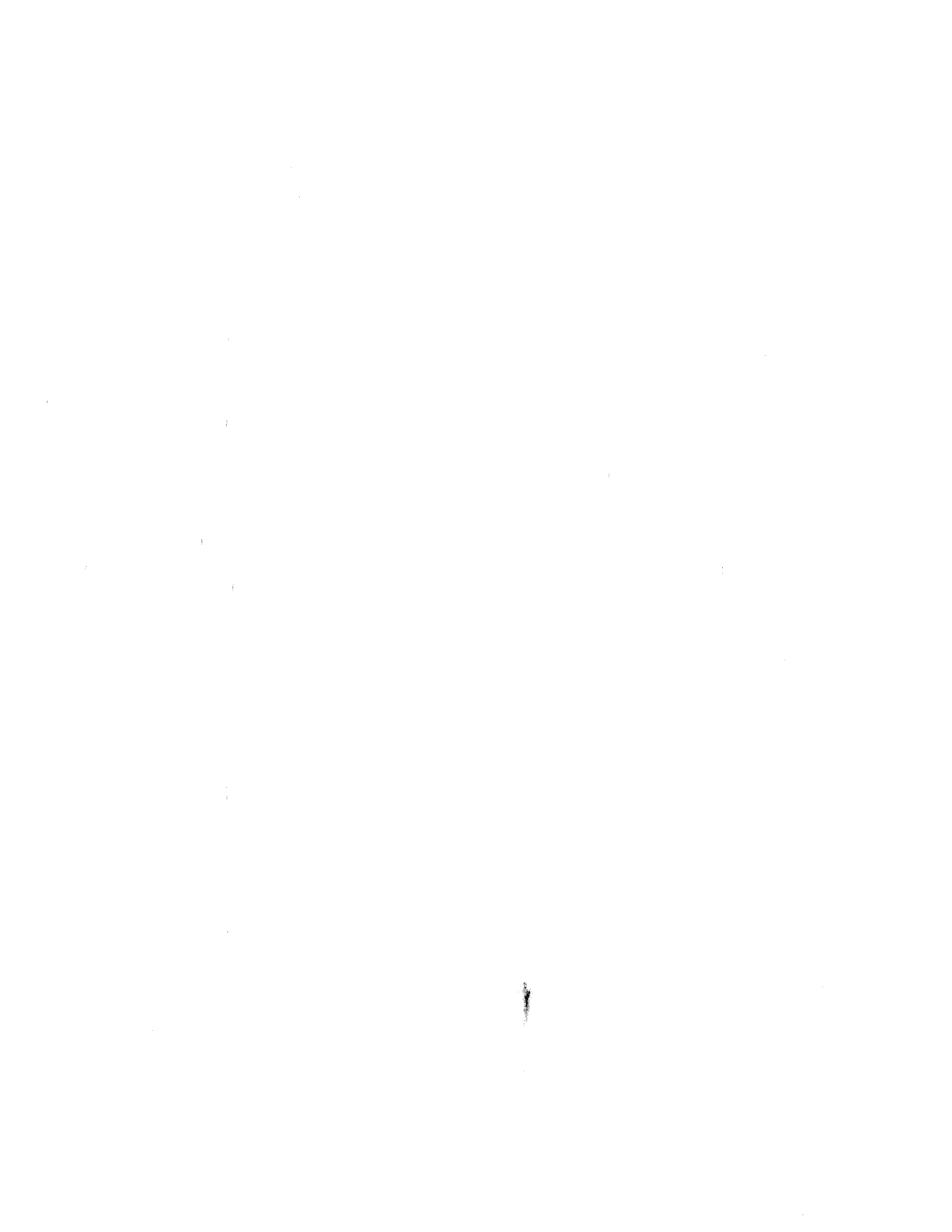


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Introduction

Actions to contain the COVID-19 pandemic in New York State shuttered non-essential businesses, restricted travel and caused record numbers of displaced workers to apply for unemployment insurance.¹ The longer-term economic implications of these changes depend on many unknown factors, including the length of the pandemic and associated stay-at-home orders, the scope and structure of federal policies enacted to backstop losses being experienced by residents, businesses and state and local governments, and any reoccurrence of the disease.

While reopening has begun, State leaders have been clear about the expected adverse impacts of these economic developments on the State's coffers. Reductions are expected in revenues that would have been collected from otherwise normal taxable sales and personal and business incomes, and major increases in public health spending may be required. Local governments — which are providing some of the most vital services to New Yorkers at this time — may experience reductions in State aid simultaneously with declines in their local revenues.

From counties providing critical public health services to school districts trying to teach children remotely, our State's local governments are being tested on many fronts and are often responding with innovative solutions to these challenges. Yet they will likely experience major fiscal problems without assistance that takes into account the effect of the pandemic on their revenues. This report will examine some of the major risks to these revenue sources (sales tax, property tax and State aid), the dependence of local governments on each, and the effects of federal government actions to help keep local governments afloat thus far.

New York City, which is many times larger than the next largest locality in the State, and has been discussed extensively in other recent analyses by the Office of the State Comptroller, is omitted from this presentation, except as noted.²

Highlights

- The COVID-19 pandemic will negatively affect many local governments' revenues. Additional federal aid is needed to ensure that municipalities and school districts have the resources to provide critical services New York residents depend on.
- The pandemic's impact is likely to be more immediate and severe on some local governments' finances than on others, depending on their mix of revenue sources.
- The closure of retail and entertainment venues and the decline in gasoline prices have already begun to have a major impact on sales tax revenues.
- Property taxes provide revenue stability for local governments, but the tax cap and other constraints will likely limit their use to shore up local revenues.
- Most State aid to local governments was held flat or reduced in the recent State budget. Some local governments have already had to face significant mid-year reductions in State aid.
- Much of the recent federal aid to localities, while helpful, is targeted to a small subset of municipalities and does not address the larger issue of budget stress caused by the economic shutdowns.

Sales Tax

The sales tax is one of the most important sources of revenue for many New York State local governments, and it is one of the most likely to be affected by the economic pause and social distancing measures implemented to control COVID-19. Sales tax revenue accounted for more than one-quarter of county revenues, nearly one-fifth of city revenues outside of New York City, about 10 percent of town revenues, and over 8 percent of New York City's revenues in fiscal year ending (FYE) 2018. (See Figure 1.)

Figure 1

Local Sales and Use Tax Revenue as a Share of Total Revenue, Fiscal Year Ending (FYE) 2018

Class	Amount (In Millions)	Share of Total Revenue
Counties	\$6,492.9	26.1%
Cities	\$931.7	18.9%
Towns	\$742.0	9.5%
Villages	\$173.2	5.9%
School Districts	\$290.7	0.7%
Total Excluding NYC	\$8,630.5	10.5%
New York City	\$7,601.0	8.6%
All Classes	\$16,231.5	9.5%

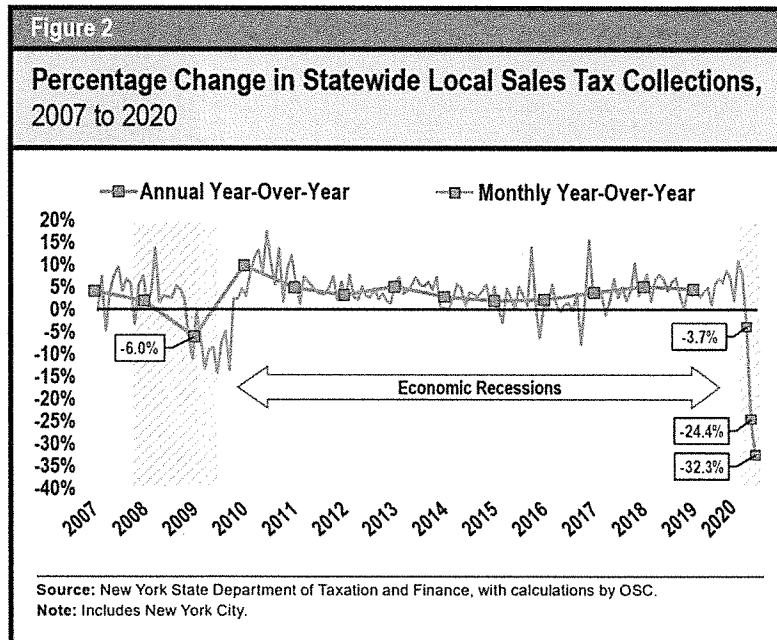
Source: Office of the New York State Comptroller (OSC); and New York City's Comprehensive Annual Financial Report.

Notes: In this table, cities and school districts do not include New York City or its school district. Mortgage recording taxes are not included. County sales tax revenue does not include sales tax distributions made to other local governments. The sales taxes received by towns, villages, school districts and most cities are from county distributions.

Potential Impact of the COVID-19 Emergency

Historically, local sales tax collections in New York State slow or even decrease during economic recessions. In recent decades, the biggest drop was during the Great Recession of 2008-09, when sales tax revenues declined 6 percent in one year, followed by nearly 10 percent growth in 2010. (See Figure 2.)

It is difficult to project the impact of the COVID-19 pandemic, since it is not the result of a normal economic cycle and the behaviors associated with it. In June, the National Bureau of Economic Research announced that the U.S. had officially entered a recession as of February 2020.³ However, the effects of the shutdowns due to the pandemic have been much quicker and deeper than those of a "typical" recession.



In most recessions, people generally continue to patronize restaurants and purchase clothing, even if they put off larger purchases or seek out less expensive options. In addition, these spending reductions and substitutions do not typically happen all at once. Contrast this with the recent sudden closure of all entertainment and non-essential retail around the State, followed by a phased-in reopening with many restrictions on attendance density.

It is, as yet, unclear what the long-term economic impact will be. However, it is clear that retail sales – especially of taxable goods and services – have already been greatly affected. Since March, the U.S. Census Bureau has been reporting year-over-year drops in national retail sales figures, with the worst drop (21.2 percent) in April. In May, retail sales were down 7.7 percent over May 2019, with much steeper drops in some of the most important taxable sales, including clothing and accessories (-63 percent), gasoline stations (-32 percent), electronics and appliance stores (-31 percent) and department stores (-26 percent).⁴

At the State level, the State Fiscal Year (SFY) 2020-21 Enacted Budget Financial Plan anticipates a 15.5 percent drop in State sales tax collections for April 2020 through March 2021.⁵ The decline in local collections may be even worse, since nearly all counties tax gasoline at a percentage of the sales price, rather than by the gallon as the State does, and gasoline prices have been dropping: average monthly gas prices in April and May were at the lowest they have been since March of 2016. This will compound the pain felt from reductions in the overall sales volume.⁶ The New York State Association of Counties (NYSAC) recently estimated that county collections (excluding New York City) could drop by as much as \$1.9 billion (around 22 percent) over the course of a full year.⁷ In April and May 2020, local sales tax collections were down 24.4 percent and 32.3 percent, respectively, leaving counties and other local governments short by about \$765 million.⁸

State Budget Actions Reducing Sales Tax Collections

The SFY 2020-21 Enacted Budget requires that counties forego a portion of their sales tax collections to support a State fund to aid financially distressed hospitals and nursing homes in SFY 2020-21 and 2021-22. The State will withhold a total of \$50 million annually from counties outside of New York City in each of these two fiscal years, based on each county's percentage share of statewide county sales tax collections. This is in addition to a requirement that counties fund \$59 million in annual unrestricted aid to certain towns and villages that had, until last year, been funded by the State, through a similar withholding of sales tax revenue.

Collecting Tax on Internet Sales

One policy that might help mitigate COVID-19's impact on local sales tax revenues is the State's actions in 2019 to fully capture sales taxes on internet transactions with out-of-State vendors. With many local businesses closed, it is likely that more purchases will be made online, leaving local governments more likely than in prior years to benefit from sales tax collections on those transactions.

Property Tax

The largest single source of revenue for local governments as a whole is the real property tax, which generated nearly \$36 billion, or 43 percent of all revenue, in FYE 2018. School districts, towns and villages relied on the property tax for about half of their revenues, while counties and cities depended on property taxes for about a quarter of theirs. (See Figure 3.) Even within the individual classes of government, reliance on the property tax varies. This is especially the case for school districts, where dependence on this source ranges from less than 5 percent to nearly 100 percent of revenue.

The property tax has historically provided stability to local government revenues in bad times, since it is locally controlled and not immediately affected by changes in economic conditions. It follows that the local governments which depend most heavily on it, including wealthier school districts as well as most towns and villages, will likely be more insulated from the immediate budgetary effects of economic pause and social distancing requirements, which affect other sources, like the sales tax, more directly. However, longer-term economic damage, such as proliferation of vacant abandoned residential and commercial properties, could eventually reduce property values, eroding the property tax base in affected municipalities.

Figure 3		
Property Tax as a Share of Total Revenue by Class of Government, FYE 2018		
Class	Amount (in Millions)	Share of Total Revenue
Counties	\$5,752.8	23.2%
Cities	\$1,284.3	26.0%
Towns	\$4,224.1	53.9%
Villages	\$1,402.1	48.0%
School Districts	\$22,401.0	53.7%
Fire Districts	\$808.3	93.3%
All Classes	\$35,872.7	43.2%

Source: OSC.
Note: Does not include New York City or its school district.

Limits to Using the Property Tax to Shore Up Revenues

Historically, local governments have also used the property tax to replace at least some budget losses from other, more economically sensitive sources, such as the sales tax. However, their ability to do so has been more limited recently, due to a variety of factors:

Taxes Are Already Relatively High

New York's local real property taxes are already high compared with other states, ranking fourth in collections per capita in 2017.⁹ Effective tax rates per \$1,000 of property value are highest upstate, while tax bills per household are highest downstate. Those high tax payments are exacerbated for some by the 2017 federal cap on itemized deductions for state and local taxes.

Early indicators show that the pandemic is causing economic insecurity for both residential and commercial property taxpayers, calling into question their ability to pay existing property tax bills, let alone higher ones.¹⁰ This risk is especially problematic for counties, since most are required to make local governments and school districts whole for any property taxes on their rolls that remain uncollected.

Real Property Tax Cap

Since 2012, the State has limited the ability of local governments and school districts to raise total property tax levies in any single year. The tax cap generally restricts year-over-year levy growth to 2 percent or the prior year's inflation rate, whichever is lower.¹¹

Constitutional Tax Limit

In addition to the 2 percent limit on year-over-year property tax levy growth, counties, cities and villages are subject to a Constitutional Tax Limit (CTL) on total levy in a single year.¹² As of FYE 2018, 20 local governments had exhausted more than 80 percent of their CTL, meaning they may be unable to raise property taxes significantly without risking sanctions from the State.¹³ Even during the past several years, this number had been growing – up from 7 in 2012. If the pandemic leads to a longer-term economic contraction where real property values decline over time, more municipalities could be included in this category.¹⁴

Tax Exempt Properties

Some local governments are further hampered by having many properties which are not taxable at all. According to the Department of Taxation and Finance, tax-exempt property makes up at least a third of all property in 30 (of 61) cities across the State.¹⁵

Other Risks

Reliance on real property taxes poses a few of its own risks during a financial crisis. The timing of payments could be an issue in this fiscal year if taxpayers are unable to make these payments. Municipalities could be faced with the need for short-term borrowing, and the extra expense it entails, if taxpayers delay payments. Over the longer term, if the current crisis is protracted, local governments may be under increased pressure to keep taxes from increasing, thereby increasing the likelihood of fiscal stress.

Other Local Revenue

Municipalities also derive a significant amount of revenue from an assortment of service charges and other miscellaneous sources. For counties, cities, towns and villages together, this amounts to approximately \$10 billion, or nearly a quarter of their total revenues.

The largest sources of these revenues are usually fees for municipally run utilities (most commonly drinking water or wastewater, and some electrical utilities) or sanitation services (including garbage disposal and landfills where relevant). (See Figure 4.) In many cases, some of the largest users of these services are industrial, manufacturing and other local businesses and institutions, which have seen dramatic cuts in activity or been completely shut down since March. Many will operate at reduced levels, if at all, while the State works through its economic reopening.

Transportation fees, which include revenue collected from parking meters and municipally owned garages and parking lots, are likely also taking a substantial hit. A number of towns and villages collect fees from public parks and recreation spaces that may be affected as well, although these reductions may be partially offset by reduced costs.

Figure 4

Top Sources of Local Revenues Outside of Property and Sales Taxes as a Percentage of Total Revenues, by Class, FYE 2018

Counties		Cities		Towns		Villages	
Health	2.9%	Utilities	8.3%	Utilities	4.3%	Utilities	15.3%
General Government	2.1%	Sanitation Fees	5.7%	Sanitation	4.1%	Sanitation	6.1%
Sanitation	1.5%	Transportation	1.6%	Culture and Recreation	1.8%	Community Services	2.0%
Transportation	1.0%	Community Services	1.4%	Community Services	1.4%	Culture and Recreation	1.8%

Source: OSC.

State Aid

In 2018, State aid made up 25 percent of all local government revenues, over \$20 billion.¹⁶ Consequently, local government finances depend significantly on the strength of the State government's finances and its willingness to continue to provide aid.

State aid helps support local social services and the construction and maintenance of local highways and roads, among other things. Unrestricted State aid in the form of Aid and Incentives for Municipalities (AIM) is directed to cities, town and villages. By far, the largest amount of State aid is for education. School districts outside of New York City received nearly \$16 billion (38 percent) from State aid in 2018. (See Figure 5.)

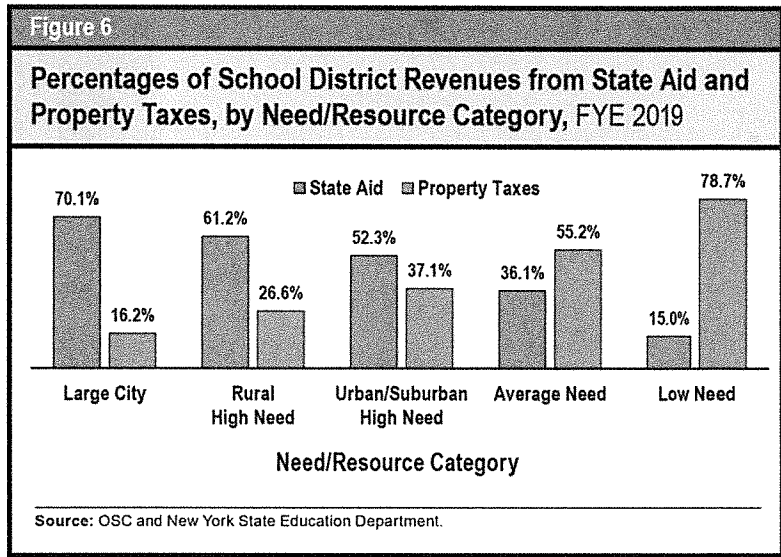
As discussed in the Property Tax section, not all school districts are equally dependent on the various sources, and reliance on State aid is typically the counterbalance to reliance on the property tax. School district dependence on State aid ranges from up to 80 percent of total revenue in needier districts to less than 1 percent in some wealthier districts; average- and low-need districts receive the majority of their revenues from property taxes. (See Figure 6.)

Figure 5

State Aid as a Share of Total Revenue by Class of Government, FYE 2018

Class of Government	State Aid (In Millions)	State Aid as a Share of Total Revenue
Counties	\$3,089.6	12.4%
Cities	\$878.3	17.8%
Towns	\$585.4	7.5%
Villages	\$167.0	5.7%
School Districts	\$15,734.8	37.7%
Fire Districts	\$3.2	0.4%
All Classes	\$20,458.2	24.6%

Source: OSC.
 Note: Does not include New York City or its school district. Some forms of State Aid, especially for counties, are not classified by the State as local assistance.



The 2020-21 New York State Budget

The COVID-19 crisis struck New York State just as the State Legislature was considering the SFY 2020-21 budget.¹⁷ The economic effects of the emergency mean that State revenues will decline, probably quite sharply, even as the demand for certain State expenses increases – especially in the area of health care. A potential consequence is reduced State spending on other programs, including aid to local governments.

The enacted SFY 2020-21 budget held most forms of State aid at about the same level of funding as the previous year, including AIM and highway aid.¹⁸ School aid was also held at roughly the same level as SFY 2019-20, with school districts outside of New York City again receiving about \$16 billion. However, school aid is subject to a “Pandemic Adjustment,” a reduction of \$1.1 billion, including \$410 million outside New York City, which is anticipated to be offset by the same amount from the federal Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020.¹⁹ (See the discussion of the CARES Act below.) This substitution of federal funds for a portion of State school aid is similar to actions in the wake of the 2008-09 Great Recession, when funds from the American Recovery and Reinvestment Act of 2009 offset the State’s “Deficit Reduction Assessment.”²⁰

The enacted State budget also included provisions that give the Governor unprecedented power to reduce spending at certain times during the fiscal year, should there be revenue shortfalls or spending in excess of planned levels. The State’s Enacted Budget Financial Plan includes an initial “gap-closing plan” that would reduce aid to localities by \$8.2 billion.²¹ While the amounts to be withheld or cut from specific aid programs are still largely to be determined, the Division of the Budget withheld 20 percent of the May and June Aid and Incentives for Municipalities (AIM) payments due to 12 cities and the June Video Lottery Terminal (VLT) aid payments due to 15 counties, cities, towns and villages. These combined reductions totaled \$75.9 million. It is not yet determined if this withheld aid will be paid to municipalities at a later date.

If school aid is reduced, this would have a disparate effect on districts, depending on their mix of revenues. As previously noted, many high-need districts depend on this aid for more than half of their total revenues. Even a 5 percent mid-year reduction in school aid to such a district would likely require that district to make significant cuts to programming in order to end the year in balance.

Potential Overall Impact

The effect on the bottom lines of New York's local governments from the loss of these revenues will be profound. Without substantial help from the federal government, many local governments will likely be forced to make painful cuts to services, *even if they have no additional costs for providing new services related to COVID-19.*

Figure 7 illustrates the gravity of the situation for a typical New York State county. As an entity that is already into the second quarter of its 2020 budget (as all counties across the State are), this typical county could experience substantial revenue shocks from both sales tax and State aid losses. The table makes some broad assumptions about the extent of these losses, which could occur over the last three quarters of the budget year (and continue thereafter). The assumptions used in the example, therefore, anticipate slightly smaller losses than the "full year" impacts projected by NYSAC and others. Property taxes for 2020 have mostly been collected, but since counties generally absorb the responsibility for delinquent property tax payments to school districts and other local governments, they might be expected to see some shock from that as well.

Figure 7					
Potential Budget Impact of COVID-19 Related Revenue Losses on a Typical New York County, FYE 2020					
Revenue Source	Budgeted for 2020	New Forecast for 2020	Difference	Percentage Change	Assumptions Used
Sales Tax	\$200,000,000	\$165,048,544	(\$34,951,456)	-17.5%	Budgeted 3% increase over 2019 originally; now forecasting a 15% decrease for the full year, based on an "as expected" first quarter, followed by three quarters of steep drops.
Property Tax	\$200,000,000	\$196,078,431	(\$3,921,569)	-2.0%	Budgeted 2% increase over 2019 based on levy, mostly collected; now forecasting some loss due to making school districts whole in fall.
State Aid	\$100,000,000	\$78,431,373	(\$21,568,627)	-21.6%	Budgeted 2% increase over prior year originally; now forecasting a 20% decrease over 2019 due to potentially steep cuts in last three quarters.
All Other Revenues	\$200,000,000	\$196,078,431	(\$3,921,569)	-2.0%	Budgeted 2% increase over 2019; now forecasting losses of some services charges and other revenues.
Total Revenues	\$700,000,000	\$635,636,779	(\$64,363,221)	-9.2%	The difference between budgeted amounts and the new forecast is the potential budget gap for 2020, assuming that the budget was originally balanced, and that there were no additional costs (or savings) due to COVID-19, or that any such costs are entirely offset by federal stimulus funds.

Source: OSC calculations made using information from New York State Division of the Budget, New York Association of Counties and other sources.

All towns, many cities and some villages also budget by the calendar year, with similar implications. Some may have “rainy day” funds in reserve that they can draw down to help absorb some of the revenue losses this year. However, not all entities have a great deal of money in reserve (unrestricted school district fund balances, in particular, are limited by law, and counties and cities often have smaller reserves proportionally than other local governments). Most will likely be forced to make reductions to staffing and associated services in order to balance budgets this year and, depending on the duration of the pandemic and its economic aftermath, may confront greater reductions in 2021.

While local governments that are partway through their fiscal year are trying to avoid ending the current year in a deficit, the State’s school districts and largest cities faced a different budgeting challenge: that of finalizing their budgets in the midst of tremendous uncertainty about the potential for mid-year State aid reductions. The specifics of these had still not been announced when school districts had to set their levies for public vote.²²



Federal Aid

Many local governments are looking to the federal government for assistance, as it has sometimes provided during other major economic crises. Federal aid is typically only a minor component of local revenues — about 5 percent of total revenues in 2018. However, during economic and other crises, federal government assistance can make a significant difference. Between 2008 and 2010, in response to the 2008-09 Great Recession, federal aid to local governments in New York overall, excluding New York City, increased by nearly 60 percent.²³

The CARES Act, enacted in March in response to the COVID-19 pandemic, allocates significant additional resources to State and local governments, but it is mostly targeted to paying for additional costs associated with the COVID-19 response. Two earlier relief bills – the Coronavirus Preparedness and Response Supplemental Appropriations Act and the Families First Coronavirus Response Act – also contained some provisions that affect local governments, as did a later bill – the Paycheck Protection Program and Health Care Enhancement Act.²⁴ This federal aid takes several forms. (All amounts are nationwide, unless indicated otherwise.)

Coronavirus Relief Fund (\$150 billion)

The Coronavirus Relief Fund created by the CARES Act appropriated funding for each state, allocating \$7.5 billion to New York, a portion of which could go to local governments.²⁵ This funding is to be used to cover the costs of necessary expenditures incurred due to the COVID-19 public health emergency from March 1, 2020 to December 30, 2020. These funds were disbursed in late April.

Local governments with populations greater than 500,000 were eligible to apply directly to the U.S. Treasury Department for their shares. In New York, this included New York City and the counties of Erie, Monroe, Nassau, Suffolk and Westchester. It also included the Town of Hempstead (reducing Nassau County's allocation).²⁶ (See Figure 8.)

Figure 8	
Coronavirus Relief Fund Payments	
New York State and Eligible Local Governments	Amount (In Millions)
New York State	\$5,135.6
New York City	\$1,454.7
Suffolk County	\$257.7
Westchester County	\$168.8
Erie County	\$160.3
Monroe County	\$129.4
Nassau County	\$102.9
Town of Hempstead	\$133.8
Total	\$7,543.3

Source: U.S. Department of the Treasury.

Education Stabilization Fund (\$30.75 billion)

The CARES Act established an Education Stabilization Fund, which consists of several subfunds, including the Elementary and Secondary School Emergency Relief Fund of \$13.2 billion (90 percent of which must be allocated to local school districts), and the Governor's Emergency Education Relief Fund of about \$3 billion (which can be allocated to primary, secondary and higher education institutions).²⁷ Both of these subfunds are to be used for a number of listed purposes, but the Act provides for broad discretion in the use of the funds by school districts.

New York will receive about \$1.2 billion from the two subfunds.²⁸ As discussed in the State Aid section of this report, the State plans to use most of this money to fund the "Federal CARES Restoration" that will counterbalance the expected Pandemic Adjustment to State school aid. The total of this restoration for all districts in the State, including New York City, is just over \$1.1 billion.²⁹

FEMA Disaster Relief Fund (\$45 billion)

Existing law allows state and local governments to access funds for disaster relief through the Federal Emergency Management Agency (FEMA), after they have received a presidential declaration of emergency or major disaster.³⁰ The CARES Act appropriates \$45 billion in additional funds for disaster relief nationwide.³¹ Since a major disaster declaration was issued for New York on March 20, affected local governments can apply to FEMA for these funds.³²

In addition, FEMA will be administering another \$400 million in federal grants for several programs, including Assistance to Firefighters, Emergency Management Performance, and the Emergency Food and Shelter Program.³³ These funding resources are meant to help meet emergency fire and medical response needs, advance national preparedness goals and support local social service provision of food and shelter.³⁴

Municipal Liquidity Facility (\$500 billion)

To help state and local governments manage cash flow pressures arising from the pandemic, the Federal Reserve established the Municipal Liquidity Facility (MLF) with the ability to purchase up to \$500 billion of debt from eligible entities.³⁵ Originally, only state governments, counties with 500,000 or more residents and cities with 250,000 or more residents qualified, but the municipal bond-buying program was expanded in June to allow states to designate up to two issuers each from a) other cities and counties, unless they already have at least two that meet the prior population requirements, and b) other debt issuers like mass transit systems, airports, etc. as borrowers. In New York, this program is available to a small number of local governments, including New York City, Buffalo, and Nassau, Suffolk, Westchester, Erie and Monroe Counties, and the State has also designated the Metropolitan Transit Authority.³⁶

Other Local Aid Available in the CARES Act

The CARES Act directs additional resources to several existing programs that are normally available to fund local government-run programs, including, among others:

Community Development Block Grants (\$5 billion)

The increase to the Community Development Block Grants program is intended to provide disaster recovery funding targeted to low- and moderate-income persons, as well as to address immediate health and safety threats to residents.³⁷

State and Local Law Enforcement Assistance (\$850 million)

This appropriation will provide additional COVID-19 related funding for the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant program.³⁸ Byrne Grants provide funding for, among other things, staffing and the medical needs of inmates of prisons, jails and detention centers.³⁹

Economic Adjustment Assistance Program (\$1.5 billion)

The CARES Act increases funding for the Economic Adjustment Assistance program by nearly five times recent appropriations. This program emphasizes coordinated, long-term, regional and strategic responses to economic recovery, such as will likely be needed in the wake of the pandemic.⁴⁰

Child Nutrition Programs (\$8.8 billion)

Additional funding for the National School Lunch Program and the School Breakfast Program is meant to ensure that children receive meals while school is not in session, and is effective through September 30, 2021.⁴¹

Rural Broadband (\$125 million)

Additional funds to help rural communities increase access to internet resources include \$100 million to the U.S. Department of Agriculture's Rural Utility Service ReConnect program, which provides loans and grants for the cost of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service to rural areas.⁴² There is also \$25 million in funding to improve access to telecommunications required for distance learning.⁴³

Conclusion

Even though New York State is opening back up, its local governments are only beginning to feel the profound impact of COVID-19 on their revenues. Statewide local sales tax collections declined by 24 percent in April and 32 percent in May. Collections will likely continue to decline over the next several months, though perhaps not at the same rate, and further mid-year reductions in State aid are still possible.⁴⁴ This combination puts counties, cities and less-wealthy school districts in an especially tenuous position. The property tax, which is the other primary source of revenue for most local governments, is more stable but is not able to make up for losses in other revenues as it once did. Federal aid thus far has been helpful but does not address revenue losses that will negatively affect most local governments.

Local governments may be able to take steps to help mitigate a few of these risks. Some are already employing creative cost-containment strategies to provide new services with existing funding, such as redeploying existing staff to meet extraordinary new needs. The necessity for social distancing has also motivated local governments to utilize work-from-home options, as well as expand online and other innovative methods of providing services. Some of these that they have found successful may be continued and improved in the future.

In difficult times, it is also particularly important to follow sound liquidity management policies. Multiyear financial planning, while more difficult in times of crisis, is an important tool for managing risk in the budgeting process, including how and when to use fund balance and reserves.

However, these are exceptional circumstances, and many local governments will only be able to do so much before taking more drastic measures that will have a major impact on local services. Indeed, many local governments have already begun announcing impending budget gaps and associated staff layoffs.⁴⁵

The Comptroller tracks local government fiscal stress, and will be monitoring this situation as it unfolds, in order to inform New Yorkers and federal decision makers as they make crucial choices. He will continue to report on the financial condition of local governments, as well as providing training and guidance to assist them through these difficult times. The Comptroller is committed to working in partnership with local governments and other stakeholders to find solutions and help build a safer and more prosperous future.

Notes

- ¹ Executive Order 202 (2020) declared a state of emergency in New York State on March 7, 2020. On March 16 and 20, respectively, all schools and non-essential businesses in the State were ordered to close. As of April 28, 2020, the closure has been extended to May 15. For NYS unemployment claims see: New York State Department of Labor, *Weekly UI Claims Report*, available at: www.labor.ny.gov/stats/weekly-ui-claims-report.shtm.
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- ³ National Bureau of Economic Research, Determination of the February 2020 Peak in US Economic Activity, June 8, 2020, www.nber.org/cycles/june2020.html.
- ⁴ U.S. Census Bureau, Advance Monthly Sales for Retail and Food Services, accessed on June 16, 2020, available at: www.census.gov/retail/marts/www/marts_current.pdf and www.census.gov/retail/index.html. Additional calculations by OSC. Data are not seasonally adjusted.
- ⁵ New York State Division of the Budget, *FY 2021 Enacted Budget Financial Plan*, p. 80, available at: www.budget.ny.gov/pubs/archive/fy21/enac/fy21-enacted-fp.pdf.
- ⁶ New York State Energy Research and Development Authority, *Monthly Average Motor Gasoline Prices*, available at: www.nyserda.ny.gov/Researchers-and-Policymakers/Energy-Prices/Motor-Gasoline/Monthly-Average-Motor-Gasoline-Prices#NY-Statewide.
- ⁷ New York State Association of Counties (NYSAC), "New Data Shows Counties Facing Over \$3.5 Billion in Lost Revenues and Aid", April 30, 2020, available at: www.nysac.org/blog_home.asp?Display=962.
- ⁸ NYS Department of Taxation and Finance, "Sales Tax Cash, Collections, and Distributions Reports," Report AS570, available at: www.tax.ny.gov/research/stats/statistics/sales_tax/government/transparency_reports_list.htm.
- ⁹ Tax Foundation, "How Much Does Your State Collect in Property Taxes per Capita?", March 11, 2020, available at: www.taxfoundation.org/state-property-taxes-per-capita-2020/.
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- ¹¹ OSC "Property Tax Cap and Tax Cap Compliance," available at: www.osc.state.ny.us/local-government/property-tax-cap.
- ¹² CTL is calculated as levy for that single year as a percentage of a five-year average property value.
- ¹³ OSC, *Hitting the Limit: The Constitutional Tax Limit and its Implications for Local Governments*, August 2019, available at: www.osc.state.ny.us/sites/default/files/local-government/documents/pdf/2020-05/ctl-implications-for-local-governments.pdf.
- ¹⁴ Harvard Joint Center for Housing, Past Recessions Might Offer Lessons on the Impact of COVID-19 on Housing Markets, April 27, 2020, available at: www.jchs.harvard.edu/blog/past-recessions-might-offer-lessons-on-the-impact-of-covid-19-on-housing-markets/.
- ¹⁵ New York State Department of Taxation and Finance, "Exemptions from real property taxation in New York State: 2018 county, city, and town assessment rolls," available at: www.tax.ny.gov/research/propertyreports/exempt/18exrpt.htm#section1.
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- ¹⁷ OSC Press Release, "State Comptroller DiNapoli Releases State Revenue Projection to Reflect Coronavirus Impact," March 17, 2020, available at: www.osc.state.ny.us/press/releases/mar20/031720.htm.
- ¹⁸ New York State Division of the Budget, *FY 2021 Enacted Budget*, including School Aid Runs, available at: www.budget.ny.gov/pubs/archive/fy21/enac/fy2021-enacted-budget.html; Enacted as Ch. 53 L. 2020.
- ¹⁹ Public Law No: 116-136, CARES Act.
- ²⁰ OSC, *Revenue Challenges Facing School Districts*, January 2014, available at: www.osc.state.ny.us/sites/default/files/local-government/documents/pdf/2019-01/RevenueChallengesSchools0114.pdf and OSC, *New York State School Aid: Two Perspectives*, March 2016, p. 14, available at: www.osc.state.ny.us/sites/default/files/local-government/2018-10/schoolaid2016.pdf.
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- ²² New York State School Boards Association, *Revised Annual Budget Vote & School Board Election Timeline*, May 2020, available at: www.nyssba.org/clientuploads/nyssba_pdf/revised-budget-election-timeline-05042020.pdf.
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- ²⁴ Public Law No: 116–127 Families First Coronavirus Response Act; Public Law No: 116–123, Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 and Public Law No: 116-139, Paycheck Protection Program and Health Care Enhancement Act.
- ²⁵ CARES Act, Division A, Title V, section 5001.
- ²⁶ US Department of the Treasury, "The CARES Act provides Assistance for State and Local Governments": Payments to States and Units of Local Government, May 11, 2020, available at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.
- ²⁷ CARES Act, Division B, Title VIII, sections 18001 to 18008.
- ²⁸ New York State Education Department, "Federal CARES Act Funding," available at: www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-guidance-cares-act-funding-04-30-20.pdf.
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- ³¹ CARES Act, Division B, Title VI, Federal Emergency Management Agency, Disaster Relief Fund.
- ³² FEMA, *Press Release*, "President Donald J. Trump Approves Major Disaster Declaration for New York," March 20, 2020, available at: <https://www.fema.gov/news-release/2020/03/20/president-donald-j-trump-approves-major-disaster-declaration-new-york>.
- ³³ CARES Act, Division B, Title VI Federal Emergency Management Agency: Federal Assistance.
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- ³⁹ US Department of Justice, Bureau of Justice Assistance, *FY 2020 Coronavirus Emergency Supplemental Funding Program*, accessed April 14, 2020, available at: www.bja.ojp.gov/funding/opportunities/bja-2020-18553.
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- ⁴⁴ OSC, *Press Release*, "DiNapoli: April Sales Tax Collections Decline Over 24 Percent After COVID-19 Shutdown," May 12, 2020, available at: www.osc.state.ny.us/press/releases/may20/051220a.htm; and New York State Division of the Budget, *FY 2021 Enacted Budget Financial Plan*, pp. 14-16.
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Contacts



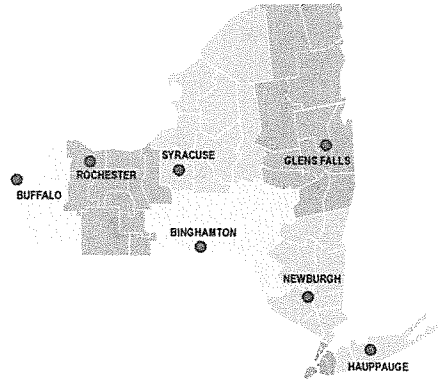
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